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In re PATENT APPLICATION OF
PARK

Confirmation No.: 9322

Group Art Unit: 2811

Application No.: 10/626,549

Examiner: H. PHAM

Filed: July 25, 2003

Title: METHOD FOR MANUFACTURING MOS TRANSISTOR AND SEMICONDUCTOR
DEVICE EMPLOYING MOS TRANSISTOR MADE USING THE SAME

August 16, 2004

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REPLY TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated July 16, 2003, Applicants hereby provisionally elects the invention of Group I, claims 1-6. This election is made with traverse.

It is respectfully submitted that the subject matter of the Groups I and II is sufficiently related that a thorough search and examination for Group I would necessarily encompass the search and examination of Group II. MPEP §803 states "If the search and examination of entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." In addition, MPEP §803 states that there are two criteria for a proper requirement for restriction between patentable distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner if restriction is required. It is respectfully submitted that the search and examination can be made without serious burden and that the criteria for a proper requirement set forth in MPEP §803 has not been met and

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that the requirement is improper and must be withdrawn. It is respectfully submitted that the Restriction Requirement should be withdrawn in order to avoid duplicative examination by the Patent Office and unnecessary expense to Applicant. A prompt and favorable action on the merits is respectfully requested.

Respectfully submitted,

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